

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 23-101 (CFC)
v.	)	CONSOLIDATED
	)	<b>ANDA CASE</b>
MYLAN PHARMACEUTICALS	)	
INC.	)	
	)	
Defendant.	)	
<hr style="width: 45%; margin-left: 0;"/>		
NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 25-276
v.	)	<b>ANDA CASE</b>
	)	
MYLAN PHARMACEUTICALS	)	
INC.	)	
	)	
Defendant.	)	

**JOINT MOTION AND [PROPOSED] ORDER TO CONSOLIDATE  
CASE NO. 25-276 INTO LEAD CASE NO. 23-101-CFC**

Plaintiffs Novo Nordisk Inc. and Novo Nordisk A/S (collectively, “Novo Nordisk”) and Defendant Mylan Pharmaceuticals Inc. (“Mylan”) jointly move to consolidate the above-captioned actions for all purposes, including through trial. Specifically, the parties seek to have C.A No. 25-276 consolidated into C.A. No. 23-101-CFC. The Court previously granted a motion to consolidate *Novo Nordisk Inc. et al. v. Mylan Pharmaceuticals Inc.*, C.A. No. 24-50-CFC into C.A. No. 23-101-

CFC (*see* C.A. No. 23-101-CFC, D.I. 132), and a motion to consolidate *Novo Nordisk Inc. et al. v. Mylan Pharmaceuticals Inc.*, C.A. No. 24-1013-CFC into C.A. No. 23-101-CFC (*see* C.A. No. 23-101-CFC, D.I. 230). Novo Nordisk and Mylan agree that the Protective Order (C.A. No. 23-101-CFC, D.I. 40), ESI Order (C.A. No. 23-101-CFC, D.I. 43), and Scheduling Order (C.A. No. 23-101-CFC, D.I. 27, as amended by D.I. 133, D.I. 201, D.I. 212, D.I. 214, so ordered on October 23, 2024, D.I. 222, D.I. 225, and D.I. 233) (as proposed to be amended by the [Proposed] Consolidated Case Schedule, submitted herewith as Exhibit A) will govern the consolidated actions.

Consolidation will promote judicial economy because the cases involve overlapping parties and the same ANDA. Accordingly, coordinated discovery and trial will be efficient for the Court and the parties. The parties hereby submit for the Court's consideration an agreed upon [Proposed] Consolidated Case Schedule (Ex. A) which accounts for the requested consolidation. The parties file contemporaneously herewith a Stipulation and [Proposed] Order dismissing without prejudice claims relating to U.S. Patent Nos. 10,888,605 and 11,752,198. Pursuant to discussion with the Court during the December 6, 2024 teleconference, *see* C.A. No. 23-101-CFC, D.I. 231, the proposed amended schedule includes minimal amendments to the existing schedule for the consolidated action to be prepared for trial on March 2, 2026, including folding in any potential claim construction disputes

into the existing *Markman* briefing deadlines related to the existing hearing set for June 25, 2025 at 9:00 a.m.

For the reasons stated above, Novo Nordisk and Mylan respectfully request that the Court consolidate Case No. 25-276 into Lead Case No. 23-101-CFC and the Proposed Consolidated Case Schedule submitted herewith as Exhibit A.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

STAMOULIS & WEINBLATT LLC

*/s/ Travis J. Murray*

*/s/ Stamatios Stamoulis*

---

Brian P. Egan (#6227)  
Travis J. Murray (#6882)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
began@morrisnichols.com  
tmurray@morrisnichols.com

---

Stamatios Stamoulis (#4606)  
Richard C. Weinblatt (#5080)  
800 North West Street, 3rd Floor  
Wilmington, DE 19801  
(302) 999-1540  
stamoulis@swdelaw.com  
weinblatt@swdelaw.com

*Attorneys for Plaintiffs Novo Nordisk  
Inc. and Novo Nordisk A/S*

*Attorneys for Defendant  
Mylan Pharmaceuticals Inc.*

March 10, 2025

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 23-101 (CFC)
v.	)	CONSOLIDATED
	)	<b>ANDA CASE</b>
MYLAN PHARMACEUTICALS	)	
INC.	)	
	)	
Defendant.	)	
<hr/>		
NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 25-276
v.	)	<b>ANDA CASE</b>
	)	
MYLAN PHARMACEUTICALS	)	
INC.	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER**

Upon consideration of the Joint Motion of Plaintiffs Novo Nordisk Inc. and Novo Nordisk A/S (collectively, “Novo Nordisk”) and Defendant Mylan Pharmaceuticals Inc. (“Mylan”) to consolidate the above-captioned cases, and for good cause shown;

IT IS HEREBY ORDERED on this \_\_\_\_ day of \_\_\_\_\_, 2025 that these actions are consolidated for all purposes, and all papers shall be filed in C.A. No. 23-101-CFC.

IT IS FURTHER ORDERED that the Protective Order (C.A. No. 23-101-CFC, D.I. 40) and ESI Order (C.A. No. 23-101-CFC, D.I. 43) shall govern. The Scheduling Order (C.A. No. 23-101-CFC, D.I. 27, as amended by D.I. 133, D.I. 201, D.I. 212, D.I. 214, so ordered on October 23, 2024, D.I. 222, D.I. 225, and D.I. 233) shall be modified by the Proposed Consolidated Case Schedule and shall govern.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

---

The Honorable Colm F. Connolly  
Chief, United States District Judge

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 23-101 (CFC)
v.	)	CONSOLIDATED
	)	<b>ANDA CASE</b>
MYLAN PHARMACEUTICALS	)	
INC.	)	
	)	
Defendant.	)	

**[PROPOSED] CONSOLIDATED CASE SCHEDULE**

EVENT	DEADLINE
Plaintiffs' Preliminary Disclosure of Asserted Claims based on Allowed Patent Application to Issue as the '017 Patent	1/31/2025*
Parties Exchange Proposed Claim Terms to be Construed for the '779 and '017 Patents	2/7/2025**
Parties Exchange Proposed Constructions and Supporting Intrinsic Evidence for the '779 and '017 Patents	2/21/2025**

\* The parties agreed to provide information regarding asserted claims and contentions before the filing of the complaint in C.A. No. 25-XXXX-CFC.

\*\* The parties agreed to add the '017 Patent to the existing claim construction deadlines for the '779 Patent before the filing of the complaint in C.A. No. 25-276. In view of the accelerated schedule for claim construction for the '017 Patent prior to the parties having completed the exchange of contentions regarding that patent, the parties have reserved the right to add additional terms to be construed for the '017 Patent after the deadlines set forth herein and will confer in good faith on incorporating such terms into the existing schedule should either party believe a term from the '017 Patent needs to be added.

EVENT	DEADLINE
Defendants' Disclosure of Invalidity Contentions and Preliminary Disclosure of Asserted Art and Accompanying Document Production for the '017 Patent*	2/21/2025*
Deadline to Meet and Confer re: Claim Construction for the '779 and '017 Patents	2/26/2025**
Plaintiffs' Preliminary Disclosure of Asserted Claims and Accompanying Document Production for the '017 Patent	3/11/2025
Joint Claim Chart Filed with Court for the '779 and '017 Patents	3/12/2025**
Defendants' Disclosure of Noninfringement Contentions and Accompanying Document Production for the '017 Patent	3/14/2025
Plaintiffs' Response to the Defendant's Invalidity Contentions for the '017 Patent	3/14/2025
Plaintiffs' Opening Claim Construction Brief Served for the '779 and '017 Patents	4/4/2025
Substantial completion of document production for all asserted patents	4/11/2025
Plaintiffs' Disclosure of Infringement Contentions and Accompanying Document Production for the '017 Patent	4/12/2025
Defendants' Answering Claim Construction Brief Served for the '779 and '017 Patents	4/25/2025
Plaintiffs' Reply Claim Construction Brief Served for the '779 and '017 Patents	5/16/2025



EVENT	DEADLINE
Defendants' Sur-Reply Claim Construction Brief Served for the '779 and '017 Patents	5/30/2025
Joint Claim Construction Brief Filed for the '779 and '017 Patents	6/4/2025
Deadline to Meet and Confer re: Amended Joint Claim Construction Chart for the '779 and '017 Patents	6/6/2025
Amended Joint Claim Construction Chart Filed, If Necessary for the '779 and '017 Patents	6/9/2025
Claim Construction Hearing for the '779 and '017 Patents	6/25/2025 at 9:00 a.m.
Completion of Fact Discovery for All Asserted Patents	7/11/2025
Final Deadline to Supplement the Preliminary Disclosure of Asserted Claims, Preliminary Disclosure of Prior Art, Infringement Contentions, and Invalidity Contentions for All Asserted Patents	7/18/2025
Final Deadline to Supplement Noninfringement Contentions and Responses to Invalidity Contentions for All Asserted Patents	7/25/2025
Opening Expert Reports for all asserted patents	8/21/2025
Rebuttal Expert Reports for all asserted patents (including Plaintiffs' Objective Indicia Opinions)	10/2/2025
Deadline to meet and confer regarding expert deposition scheduling	10/30/2025
Reply Expert Reports for all asserted patents (including Defendant's Objective Indicia Opinions)	11/12/2025
Deadline to meet and confer re: proposed pretrial order exchange	11/14/2025
Close of Expert Discovery	12/22/2025

EVENT	DEADLINE
Deadline to file Daubert Motions	1/9/2026
Responses to Daubert Motions	1/16/2026
Submission of Joint Proposed Pretrial Order	21 days before the Pretrial Conference
Pretrial Conference	February 12, 2026 at 10:00 a.m.
Trial Begins (5 days)	March 2–6, 2026

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

---

The Honorable Colm F. Connolly  
Chief, United States District Judge